

HOUSE BILL 1256

By Camper

AN ACT to amend Tennessee Code Annotated, Title 2 and Title 40, relative to voting rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-2-102(a), is amended by deleting the section and substituting:

(a) A citizen of the United States eighteen (18) years of age or older who is a resident of this state is a qualified voter unless the citizen is:

(1) Disqualified under this title; or

(2) Currently imprisoned in a penal institution, on probation, or on parole for a judgment of infamy.

SECTION 2. Tennessee Code Annotated, Section 2-2-106, is amended by deleting subdivision (a)(4).

SECTION 3. Tennessee Code Annotated, Section 2-2-106, is amended by adding the following as new subsections:

(i) Upon receiving information that a person has been convicted of an infamous crime as defined by § 40-20-112 from the state coordinator of elections, the district attorney general, United States attorney, clerk of the court that entered the conviction, or other source upon verification by the clerk of the convicting court, the administrator of elections shall place the registration in suspended status.

(j) Voter registrations that are suspended pursuant to subsection (i) are not included in a county's total of registered voters. The administrator of elections shall report suspended voter registrations to the state coordinator of elections.

(k) The state coordinator of elections shall maintain a list of suspended voter registrations.

SECTION 4. Tennessee Code Annotated, Section 2-2-139, is amended by deleting the section and substituting instead the following:

(a) A person who has temporarily forfeited the right to suffrage because of a conviction of an infamous crime may register to vote or reactivate their voter registration and vote at any election for which the person is eligible after the administrator of elections in the county in which the person is seeking to register to vote has confirmed that:

(1) The person has been pardoned of all infamous crimes and the person's full rights of citizenship, including the right of suffrage, have been restored;

(2) The person's voting rights have been restored; or

(3) An appellate court of competent jurisdiction has entered a final judgment reversing the person's conviction, or convictions, of all infamous crimes.

(b) For purposes of subsection (a), a pardon or a certified copy of a judgment of a court of competent jurisdiction is sufficient proof to the administrator that the person fulfills the above requirements as to the offense or offenses specified on the pardon or judgment; however, before allowing a person convicted of an infamous crime to become a registered voter or reactivate their voter registration, the administrator in each county shall verify with the state coordinator of elections that the person is eligible to register under this section.

(c) The state coordinator of elections may formulate a uniform procedure for automatically verifying the registration eligibility of any person convicted of an infamous

crime. Upon receiving sufficient verification of the person's eligibility to register, the administrator shall allow the person to become a registered voter or reactivate their voter registration in the same manner and in accordance with the same laws or rules as any other citizen of the state.

SECTION 5. Tennessee Code Annotated, Section 2-11-202, is amended by deleting subdivisions (a)(16) and (17) and substituting instead:

(16)

(A) Devise and furnish to the clerks of the circuit and criminal courts a form to be used for notifying county election commissions of the fact that a registered voter in their county has been convicted of an infamous crime and therefore has a suspended voter registration. The form must include the voter's name, race, date of birth, and social security number, if available;

(B) Devise and furnish to the department of correction a form to be used to notify the county election commissions of the fact that a suspended voter in their county has completed their sentence and is eligible for automatic restoration of their voting rights pursuant to § 40-29-202;

(17) Instruct the administrators in each county to:

(A) Suspend the registration of any person who is registered to vote in their county when notified that the person has been convicted of an infamous crime; and

(B) Restore to the voting rolls any person whose registration has been suspended in their county when notified that the person has completed their sentence and been restored to their voting rights;

SECTION 6. Tennessee Code Annotated, Section 2-11-202(a), is amended by adding the following as a new subdivision:

(20) Maintain a list of individuals whose voting rights have been suspended for conviction of an infamous crime and who are eligible for registration or reactivation of their voting rights.

SECTION 7. Tennessee Code Annotated, Section 40-20-112, is amended by deleting the section and substituting:

A criminal offense designated as a felony at the time of conviction is an infamous crime and a person convicted of an infamous crime is immediately suspended from exercising the right of suffrage. A person so convicted is not disqualified to testify in any action, civil or criminal, by reason of having been convicted of any felony, and the fact of conviction for any felony may only be used as a reflection upon the person's credibility as a witness.

SECTION 8. Tennessee Code Annotated, Section 40-29-202, is amended by deleting the section and substituting:

A person rendered infamous and temporarily deprived of the right of suffrage is eligible for automatic restoration of their voting rights upon:

- (1) Receiving a pardon, except where the pardon contains special conditions pertaining to the right of suffrage;
- (2) The discharge from custody by reason of service or expiration of the maximum sentence imposed by the court for the infamous crime; or
- (3) Being granted a certificate of final discharge from supervision by the board of parole pursuant to § 40-28-105, or any equivalent discharge by another state, the federal government, or county correction authority.

SECTION 9. Tennessee Code Annotated, Section 40-29-203, is amended by deleting the section.

SECTION 10. Tennessee Code Annotated, Section 40-29-204, is amended by deleting the section.

SECTION 11. Tennessee Code Annotated, Section 40-29-205, is amended by deleting the section.

SECTION 12. Tennessee Code Annotated, Section 40-29-105, is amended by deleting subdivisions (b)(2) and (c)(2)(B).

SECTION 13. This act takes effect July 1, 2023, the public welfare requiring it.